REMARKS

The Examiner rejected claims 10-14 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention. Applicant has deleted claims 10-14.

Claims 1, 6 and 7 are rejected under §103(a) as being unpatentable over Gehlot (U.S. Patent No. 6,060,989) in view of Kawakami et al. (U.S. Patent No. 5,488,353) and Claim 5 has been rejected as being unpatentable over Gerlot in view of Kawakami and further in view of Hayes et al. (U.S. Patent No. 6,0702,398). Claims 1 and 5-7 have been deleted and replaced with new claims 15-18. The Examiner further rejected Claims 8 and 12-14 which have been deleted by this amendment.

Gerlot discloses a system and method for preventing automobile accidents including sensors 40-52 which sense conditions indicative of a driver's ability to drive. A response or action occurs as a result of the signals received by the sensors 40-52, such as the opening of a window. Kawakami discloses an apparatus and method for improving the awareness of a driver by determining the awareness of a driver and then providing a warning to the driver when a decrease in awareness is detected.

Applicant is claiming in new claims 15-18 a method to alert a driver including adjusting a degree of opening of a vehicle aperture an amount that increases as said level of drowsiness increases. Neither of the references alone or in combination suggest opening a vehicle aperture a larger amount as the level of drowsiness increases. Additionally, neither reference discloses opening a sunroof as required by new claim 17. Applicant's claims 15-18 are not obvious and Applicant respectfully requests that the rejection be withdrawn.

Hayes discloses an automatic gas detection system which opens windows 102 approximately three to four inches for a predetermined amount of time in response to a carbon monoxide sensor 20 detecting carbon monoxide. In Applicant's new claim 15, Applicant is claiming opening the aperture an amount that increase as the level of drowsiness increases. Hayes does not disclose opening of an aperture more as the drowsiness level increases, but rather 3-4 inches. The combination of Gehlot in view of Kawakami in view of Hayes does not render

Applicant's claims obvious, and Application respectfully requests that the rejection be withdrawn.

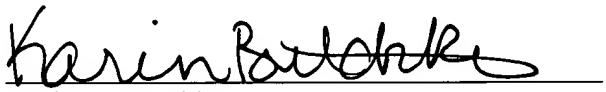
Claims 2 and 3 have been rejected under §103(a) as being obvious over Gehlot in view of Kawakami and further in view of Turner (U.S. Patent No. 5,518,176). The Examiner further rejected Claims 9 and 10, which have been deleted by this amendment. Claims 2 and 3 have been deleted and replaced with new claims 19-21. As stated by the Examiner, neither Gehlot nor Kawakami alone or in combination discloses a method to alert a driver by lowering the temperature in a vehicle cab. In Turner, an interior air temperature sensor 30, an infrared sensor 32, and an outside air temperatures sensor 34 are utilized to provide input to a HVAC control 20 for climate control. There would be no benefit to combining Turner with Gehlot or Kawakami as Turner discloses a climate control system 10 which multiple inputs 30, 32 and 34. The temperature is lowered by a combination of inputs, including inside and outside temperature. There is no benefit in lowering temperature based on the outside temperature in the Gehlot/Kawakami combination as this combination responds to driver alertness, not outside temperature. The rejection is improper and Applicant respectfully requests that it be withdrawn.

Claim 4 has been rejected under §103(a) as being obvious over Gehlot in view of Kawakami and further in view of Brownlee (U.S. Patent No. 5,910,773). The Examiner further rejected Claim 11 which has been deleted by this amendment. Claim 4 has deleted and replaced with new claims 22-24. As stated by the Examiner, neither Gehlot nor Kawakami alone or in combination discloses alerting a driver by pumping an amount of oxygen into a vehicle. Brownlee discloses an oxygen supply system which monitors oxygen content with an oxygen sensor 26 and flows oxygen into the passenger compartment 12 when the oxygen level falls below a preselected valve. There would be no benefit to combining Brownlee with Gehlot and Kawakami. In Brownlee, oxygen is pumped into the passenger compartment 12 in response to a decrease in the oxygen concentration, not in response to a decrease in driver awareness as required by the Gehlot/Kawakami combination. There is no obviousness, and Applicant respectfully requests that the rejection be withdrawn.

Thus, claims 15-24 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.



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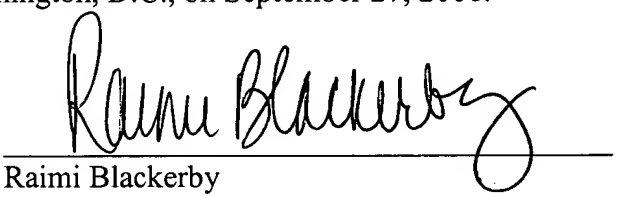
Dated: September 27, 2001

CERTIFICATE OF MAILING

I hereby certify that this Response and accompanying documents are being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C., on September 27, 2001.



Raimi Blackerby

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

Please replace the third and fourth paragraphs on Page 4 with the following paragraphs:

The present invention provides a method for keeping a drowsy driver alert. When the sensor 12 detects the driver is drowsy or unalert by monitoring a level of drowsiness, the regulator 14 adjusts a vehicle component [17] to awaken or alert the driver. The method is shown by the flowchart of Figure 2.

In a first embodiment of the present invention, the climate control system 18 of a vehicle is regulated to adjust the temperature in the vehicle cab 17 [interior]. Drivers are more alert at lower temperatures. When the sensor 12 detects that a driver is drowsy or unalert, the sensor 12 alerts the regulator 14, which adjusts the climate control system 18 in the vehicle, lowering the temperature and awakening the driver.

Please replace the second paragraph on Page 5 with the following paragraph:

In another embodiment of the present invention, the regulator 14 opens a window and/or sunroof 21 in the vehicle when the sensor 12 detects a high level of drowsiness. When the window and/or sunroof is opened, fresh cooler air flows into the vehicle cab 17 [interior space] of the vehicle, awakening the driver.